Messrs Tai Choi Yu & Co, Advocates (suing as a firm) v Ting Sie Chung @ Ting Sieh Chung

HIGH COURT (MIRI) — SUIT NO MYY-22–15/7 OF 2013
ALWI ABDUL WAHAB JC
20 NOVEMBER 2017

Civil Procedure — Amendment — Application for — Notice of application to amend amended statement of defence and amended counterclaim — Whether amendment should be allowed — Whether amendments arose from same cause of action — Whether amendments caused prejudice to plaintiff — Rules of Court 2012 O 20 r 5 & O 92 r 4

The defendants had filed a notice of application ('encl 293') to amend the amended statement of defence and amended counterclaim pursuant to O 20 r 5 and O 92 r 4 of the Rules of Court 2012 ('the ROC'). The defendant subsequently filed a supplementary affidavit ('encl 296') to add further amendment to the proposed re-amended statement of defence and re-amended counterclaim to clarify on the cause of action in the High Court case which was supposed to be for both libel and abuse of process as opposed to just for libel. This application was opposed by the plaintiff and subsequently the plaintiff filed the affidavit in opposition ('encl 295'). It was submitted by the plaintiff that there was a long delay of four years in the defendant's application for amendment. The plaintiff also submitted that the proposed amendment should not be allowed as the defendant was trying to set out a fresh claim in respect of new causes of action.

Held, granting the defendant's application in terms of encl 293:

(1) All the amendments were related and arose from the same cause of action. It was necessary to include those material facts in the proposed re-amended defence and re-amended counterclaim for the purpose of determining the real questions in controversy between the parties (see para 37).

(2) The plaintiff still had the liberty to file a reply and defence to counterclaim upon being served with the defendant's re-amended defence and re-amended counterclaim and therefore there was no injustice or prejudice caused to him. Besides that, there was no inordinate delay as claimed by the plaintiffs because the matters sought to be amended was a result of the recent decision by the court of appeal (see paras 38–39).

[Bahasa Malaysia summary

Defendan-defendan telah memfailkan notis permohonan ('lampiran 293') untuk meminda pernyataan pembelaan dan meminda tuntutan balas berikutan A 20 k 5 dan A 92 k 4 Kaedah-Kaedah Mahkamah 2012 ('KKM'). Defendan kemudiannya memfailkan afidavit tambahan ('lampiran 296') untuk menambahkan pindaan selanjutnya untuk menjelaskan mengenai kausa tindakan di dalam kes Mahkamah Tinggi yang sepatutnya untuk kedua-dua fitnah dan penyalahgunaan proses yang bertentangan dengan hanya untuk fitnah. Permohonan ini ditentang oleh plaintif dan kemudiannya plaintif memfailkan afidavit menentang ('lampiran 295'). Ia dihujahkan oleh plaintif bahawa terdapat kelewatan selama empat tahun dalam permohonan defendan untuk pindaan. Plaintif juga berhujah bahawa pindaan yang dicadangkan tidak patut dibenarkan memandangkan defendan cuba untuk memfailkan tuntutan baru berkaitan kausa tindakan baru.

Diputuskan, membenarkan permohonan defendan berkaitan lampiran 293:

(1) Kesemua pindaan adalah berkaitan dan berbangkit daripada kausa tindakan yang sama. Ia adalah perlu untuk memasukkan fakta material tersebut dalam pembelaan yang dipinda semula yang dicadangkan dan tuntutan balas yang dipinda semula bagi tujuan menentukan soalan sebenar dalam kontroversi di antara pihak-pihak (lihat perenggan 37).

(2) Plaintif masih mempunyai kebebasan untuk memfailkan jawapan dan pembelaan kepada tuntutan balas setelah diserahkan dengan pembelaan yang dipinda semula dan tuntutan balas yang dipinda semula defendan dan oleh itu tidak dapat ketidakadilan atau prejudis yang disebabkan kepadanya. Selain daripada itu, tidak terdapat kelewatan yang melampau seperti yang didakwa oleh palintif-plaintif sebab perkara yang dipohon untuk dipinda adalah akibat keputusan yang baru dibuat oleh mahkamah rayuan (lihat perenggan 38–39).]

Notes

For cases on application for amendment, see 2(1) *Mallal's Digest* (5th Ed, 2017 Reissue) paras 662–666.

Cases referred to

Hock Hua Bank Bhd v Leong Yew Chin [1987] 1 MLJ 230; [1987] 1 CLJ 126, SC (refd)

Smijaya Sdn Bhd dan lain-lain lwn Perwira Affin Bank Bhd [2010] 3 MLJ 54, CA (refd)

Yamaha Motor Co Ltd v Yamaha Malaysia Sdn Bhd & Ors [1983] 1 MLJ 213; [1983] 1 CLJ 191; [1983] CLJ Rep 428, FC (refd)

Legislation referred to

Rules of Court 2012 O 20 r 5, O 92 r 4

Tai Choi Yu (Tai Choi Yu & Co Advocates) for the plaintiff.
Kenny Yi (standing in for Ting Sie Chung) (Ting & Ting Advocates) for the defendant.

Alwi Abdul Wahab JC:

INTRODUCTION

[1] This is the defendant's notice of application (encl 293) to amend the amended statement of defence and amended counterclaim dated 8 August 2013 pursuant to O 20 r 5 of the Rules of Court 2012 ('the ROC') and O 92 r 4 of the same. The amendment sought is set out in blue in the proposed re-amended statement of defence and re-amended counterclaim marked as 'X' to the said encl 293.

[2] The defendant had subsequently filed a supplementary affidavit ('encl 296') to add further amendment to the proposed re-amended statement of defence and re-amended counterclaim to clarify on the cause of action in Kuching High Court No 22–53 of 2009 (II) which is supposed to be for both libel and abuse of process and not just for libel. The amendment is reflected in para 3.14(i)(a) and para 13.3(i)(b) of the proposed re-amended statement of defence and re-amended counterclaim exhibited as 'TSC5' of the said encl 296.

[3] The plaintiff opposed the defendant's application and filed the plaintiff's affidavit in opposition (encl 295).

THE FACTS

[4] As pleaded by the defendant in his proposed re-amended statement of defence and re-amended counterclaim, the plaintiff who was appointed as advocates and solicitors acting for the defendant had failed to perform his obligations, express or implied, with the required skill and care as expected from an advocate and solicitor's contractual duty to ensure that the defendant's interest is taken care of and amply protected by proper means.

[5] Due to the alleged failure to exercise the required professional skill by the plaintiff in advising the defendant to lodge the prohibitory order and/or caveat against the seven parcels of land belonging to Hock Peng Reality Sdn Bhd resulting in the defendant being sued by Hock Peng Reality Sdn Bhd in two Kuching High Court Suit Nos 22–51 of 2009 (III) and 22–53 of 2009 (II) and Sibu High Court Originating Summons No 24–15 of 2009.

[6] The defendant also alleged that plaintiff had negligently giving advice to the defendant not to negotiate with Yeap Jing Fong in Sibu High Court Suit No 22–25 of 2008 and thus causing a monetary loss to the defendant.

[7] Due to the failure of the plaintiff to perform his obligations as alleged, the defendant had to appoint another counsel to replace the plaintiff to represent the defendant in those cases. During the process of trial, there were numerous appeals and cross-appeals in the Court of Appeal and the Federal Court. Hence, the defendant counterclaimed against the plaintiff for the costs and expenses incurred as a result of appointing other advocates to further conduct the cases and the monetary loss in the form of damages awarded against the defendant in the above stated cases.

THE AMENDMENTS SOUGHT BY THE DEFENDANT

[8] The amendments sought by the defendant in the proposed re-amended statement of defence and re-amended counterclaim are set out and tabulated as follows:

Heading	Amended statement of defence and amended counterclaim	Re-amended statement of defence and amended counterclaim
Sibu High Court Originating Summons No 24–15 of 2009	[para 3.14(i)(b)] Sibu High Court Originating Summons No 24–15 of 2009 for a sum of RM20,834,400 for removal of caveat and damages to be assessed	[para 3.14(i)(b)] Sibu High Court Suit Originating Summons No 24–15 of 2009 claim for damages of wrongful caveats which will be re-assessed by different Deputy Registrar in Sibu High Court. [para 16 (b] Declaration that the plaintiff shall be liable for all sums ordered against the defendant arising from Originating Summons No 24–15 of 2009 which is pending re-assessment by a different Deputy Registrar in Sibu High Court.

Kuching High Court Suit No 22–53 of 2009(II)	[para 3.14(i)(a)] Kuching High Court Suit No 22–51 of 2009(III) and Kuching High Court Suit No 22–53 of 2009(II) for a sum of RM34,100,000 in each case for malicious prosecution and libel respectively; [para 13.3(i)(b)] Suit No 22–53 of 2009 at Kuching High Court II for defamation (libel) claim in the sum of RM34,100,000;	[para 3.14(i)(a)] Kuching High Court Suit No 22–51 of 2009(III) for malicious prosecution and Kuching High Court Suit No 22–53 of 2009(II) for libel and abuse of process for a sum of RM34,100,000 in each case and thus causing monetary loss in the form of damages ordered against the defendant in the sum of RM53,123.28. [para 13.3(i)(b)] Suit No 22–53 of 2009 at Kuching High Court II for defamation (libel) and abuse of process claim in the sum of RM34,100,000; and thus causing monetary lost in the form of damages against the defendant in the sum of RM53,123.28;
Suit No MYY-22–15/17 of 2013 and the Court of Appeal in Civil Appeal No Q-02(IM)-188–01 of 2014 (plaintiff's freeze application)	—	[para 13.3(iv)] The plaintiff had filed one unmeritorious notice of application to freeze/stay the release of the judgment sum as awarded in the case of Originating Summons No 24–47 of 2000 in the sum of RM1,979,315.50 ('judgment sum in OS 47') and thus causing monetary lost to the defendant in the sum of RM75,179.72.

		(a) The judgment sum in OS 47 was deposited in the Bintulu High Court pending outcome of the said Hock Peng Realty Sdn Bhd's Application for leave to appeal to the Federal Court; (b) The said Hock Peng Realty Sdn Bhd's Application for leave was dismissed. On 7 August 2013, the defendant proceeded to file one notice of application for the release of the judgment sum in OS 47; (c) On 8 October 2013, the plaintiff filed one notice of application to freeze/stay the release of the judgment sum in OS 47 which was subsequently dismissed by both the High Court in Suit No MYY-22–15/17 of 2013 and the Court of Appeal in Civil Appeal No Q-02(IM)-64–01 of 2014; (d) The plaintiff's notice of application to freeze/stay the release of the judgment sum in OS 47 had resulted in monetary lost to the defendant in the sum of RM75,179.72, being outstanding interest due on the judgment sum in OS 47.

Breakdown of special damages	Para 16 (a) Special damages in the total sum of RM7,476,719.90;	Para 16 (a) Special damages in the total sum of RM7,605,022.90; the breakdown is as follows: (a)(i) RM53,123.28 as pleaded in para 13.3(i)(b); (a)(ii) RM7,007,000 as pleaded in para 13.3(ii); (a)(iii) RM75,179.72 as pleaded in para 13.3 (iv); and (a)(iv) RM469,719.90 as pleaded in para 14.
Costs	Para 16 Costs	Para 16 Costs to be accessed/taxed on a solicitor-client basis.

REASONS FOR THE AMENDMENTS

Sibu High Court Originating Summons No 24–15 of 2009

[9] In Originating Summons No 24–15 of 2009, the deputy registrar, on 21 January 2015 had ordered the defendant to pay damages in the sum of RM20,834,400 as a result of the defendant's unlawful lodgment of caveats on Hock Peng Realty Sdn Bhd's parcels of land. On subsequent appeal to the High Court, the amount of damages to be paid by the defendant was reduced to RM14,766,900.

[10] However, the High Court's order was set aside by the Court of Appeal on the 23 February 2016 and it was further ordered by the Court of Appeal that damages are to be re-assessed before another deputy registrar (exh 'TSC1' of the defendant's affidavit in support). The hearing of the assessment of damages before the deputy registrar is yet to commence.

[11] The award of damages previously assessed by deputy registrar and the High Court in the sums of RM20,834,400 and RM14,766,900 respectively are no longer accurate and no longer reflect the decision made by the Court of Appeal.

[12] It is therefore the defendant's submission that it is necessary to amend both paras 3.14(i)(b) and 16(b) in the proposed re-amended statement of defence and re-amended counterclaim in respect of Originating Summons

No 24–15 of 2009 as follows:

> Sibu High Court Suit Originating Summons No 24-15-2009 claim for damages of wrongful caveats which will be re- assessed by different Deputy Registrar in Sibu High Court. [para 3.14(i)(b)]
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> Declaration that the Plaintiff shall be liable for all sums ordered against the Defendant in the Originating Summons No. 24-15-2009 which is pending re-assessment by a different Deputy Registrar in Sibu High Court. [para 16 (b)]

Kuching High Court Suit No 22–53 of 2009 (II)

[13] In High Court Suit No 22-53–2009 (II), the defendant is sued by Hock Peng Realty Sdn Bhd for libel and abuse of court process for not complying with the consent order of the Court of Appeal dated 18 June 2012.

[14] Pursuant to the abovesaid consent order, the execution of the order of the Court of Appeal delivered on the 24 February 2012 be stayed and that Hock Peng Realty Sdn Bhd shall deposit into Bintulu High Court the sum of RM1,979,315.55 to be placed in an interest-bearing account pending Hock Peng Realty Sdn Bhd's application for leave to appeal to the Federal Court (exh 'TSC7' of the defendant's affidavit in reply). This order for stay pursuant to the consent order is in respect of Bintulu High Court Originating Summons No 24–47 of 2000.

[15] Despite of the terms of the consent order signed by the plaintiff, the advocates of the defendant then, the plaintiff proceeded to negligently advise the defendant to file prohibitory orders against Hock Peng Realty Sdn Bhd's lands which result in the filing of suit by Hock Peng Realty Sdn Bhd against the defendant for libel and abuse of court process in High Court Suit No 22–53 of 2009 (II).

[16] On the 20 May 2016, the High Court dismissed Hock Peng Realty Sdn Bhd's claim for defamation. The High Court, however, allowed Hock Peng Realty Sdn Bhd's claim for abuse of the court's process and awarded the sum of RM50,000 against the defendant under this heading (exh 'TSC3' of the defendant's affidavit in support). The High Court's order dated 20 May 2016 was upheld by the Court of Appeal (exh 'TSC3' of the defendant's affidavit in support). The defendant had then paid RM53,123.38 (inclusive of interest) to Hock Peng Realty Sdn Bhd.

[17] Since the High Court had clearly dismissed the claim under the heading of defamation (libel) and award the claim under the heading for abuse of process in Suit No 22–53 of 2009 (II) and upheld by the Court of Appeal, it is the defendant's submission that it now becomes necessary to amend

A para 3.14(i)(a) and para 13.3(i)(b) and plead therein as follows:

> Kuching High Court suit No 22-51-2009(III) for malicious prosecution and Kuching High Court suit No 22-53-2009(II) for libel and abuse of process for a sum of RM34,100,000.00 in each case and thus causing monetary loss in the form of damages ordered against the Defendant in the sum of RM53,123.28. [para 3.14(i)(a).]
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> Suit No 22-53-2009 at Kuching High Court II for Defamation (Libel) and abuse of process claim in the sum of RM34,100,000.00; and thus causing monetary lost in the form of damages against the Defendant in the sum of RM53,123.28. [para 13.3(i)(b).]

Unmeritorious application by the plaintiff to freeze/stay the release of the judgment sum awarded to the defendant in Bintulu High Court Originating Summons No 24–47 of 2000

[18] The defendant submitted that the plaintiff had filed the so-called unmeritorious application dated 8 October 2013 to freeze/stay the release of the judgment sum of RM1,979,315.50 which the defendant was entitled to after Hock Peng Realty Sdn Bhd's application for leave to appeal was dismissed by the Federal Court on 7 August 2013.

[19] The plaintiff's said application for stay of the release of the judgment sum was dismissed by the Miri High Court in Suit No MYY-22–15/17 of 2013 vide the order dated 24 December 2013 (exh 'TSC2' of defendant's affidavit in support). Subsequently, on the 12 February 2014, the Court of Appeal in Civil Appeal No Q-02(IM)-64–01 of 2014 dismissed the plaintiff's notice of motion dated 25 January 2014 in respect of the decision given by the High Court in MYY-22–15/17 of 2013 (exh 'TSC2' of defendant's affidavit in support).

[20] It was the defendant's contention that due to the plaintiff's stay application for the release of the judgment sum obtained by the defendant in Bintulu High Court Originating Summons No 24–47 of 2000, the defendant had incurred monetary loss of RM75,179.72 being the outstanding interest charge due from Hock Peng Realty Sdn Bhd on the judgment sum.

[21] In support of the above claim on interest, the defendant referred to the letter dated 31 May 2016 from Batternberg & Talma, the advocates for Hock Peng Realty Sdn Bhd (exh 'TSC6' of the defendant's affidavit in reply) wherein the said advocates stated that since the plaintiff had obtained the interim order to freeze the judgment sum on 21 November 2013, any delay in payment out of the judgment sum arising and consequential from the dispute between the plaintiff and the defendant shall not affect interest chargeable to Hock Peng Realty Sdn Bhd.

[22] The defendant submitted that it is necessary to plead the above as outlined in para 13.3(iv)(a)–(d) in the proposed re-amended defence and re-amended counterclaim as follows:

> The Plaintiff had filed one unmeritorious Notice of Application to freeze/stay the release of the Judgment Sum as awarded in the case of Originating Summons No 24–47–2000 in the sum of RM1,979,315.50 ('Judgment Sum in OS 47') and thus causing monetary lost to the Defendant in the sum of RM75,179.72.
>
> (a) The Judgment Sum in OS 47 was deposited in the Bintulu High Court pending outcome of the said Hock Peng Realty Sdn Bhd's Application for leave to appeal to the Federal Court;
>
> (b) The said Hock Peng Realty Sdn Bhd's Application for leave was dismissed. On 07.08.2013, the Defendant proceeded to file one Notice of Application for the release of the Judgment Sum in OS 47;
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> (c) On 08.10.2013, the Plaintiff filed one Notice of Application to freeze/stay the release of the Judgment Sum in OS 47 which was subsequently dismissed by both the High Court in Suit No MYY-22-15/17-2013 and the Court of Appeal in Civil Appeal No Q-02(IM)-64-01/2014;
>
> (d) The Plaintiff's Notice of Application to freeze/stay the release of the Judgment Sum in OS47 had resulted in monetary lost to the Defendant in the sum of RM75,179.72, being outstanding interest due on the Judgment Sum in OS 47. [Para 13.3(iv)(a)–(d).]

Breakdown of special damages

[23] In light of the above events, the defendant submitted that it is also necessary to clearly plead on the breakdown of special damages in the proposed re-amended defence and re-amended counterclaim which appeared at para 16 of the same.

Costs

[24] The defendant further submitted that he is entitled to claim for costs from the defendant on a solicitor and client basis to be taxed because had it not for thenegligent advice given by the plaintiffs, the defendant would not be embroiled in the series of litigation and consequently incurred tremendous legal costs and damages. This claim for costs is included in para 6(f) of the proposed re-amended defence and re-amended counterclaim.

THE PLAINTIFF'S SUBMISSION

[25] The plaintiff submitted that there was a long delay in the defendant's application for amendment which was made after some four years from the last

amendment on the 8 August 2013. No explanation has been offered by the defendant to show that there was no due diligence on his part.

[26] The plaintiff further submitted that the proposed amendment in connection with the Sibu High Court Originating Summons No 24–15 of 2009 should not be allowed as the defendant is trying to set out a fresh claim in respect of new causes of action. The plaintiff was not a party to this Originating Summons No 24–15 of 2009 and in seeking for the amendment in the proposed re-amended defence and re-amended counterclaim, the defendant is trying to put a blame on the plaintiff for the defendant's loss in the said Originating Summons No 24–15 of 2009.

[27] As regards to the proposed amendments in respect of the Bintulu Originating Summons No 24–47 of 2000, the plaintiff submitted that it was never pleaded by the defendant in his original defence and counterclaim and his amended defence and amended counterclaim dated 8 August 2013. It was further submitted that the amendment proposed by the defendant on the 'unmeritorious application' allegedly made by the plaintiff in the said Originating Summons 24–47 of 2000 is not bona fide but is a mere afterthought.

[28] For Kuching High Court Suit No 22–53 of 2009, the plaintiff submitted that it has nothing to do with the plaintiff as it was an action between the defendant and Hock Peng Realty Sdn Bhd and the plaintiff was not named as a party thereto. It was further submitted that the defendant could have appealed further instead of proceeded to pay RM53,123.38 to Hock Peng Realty Sdn Bhd.

[29] The defendant also submitted that this claim of RM53,123.28 by the defendant is a new cause of action which is not related to the defendant's counterclaim in the present action and the defendant should have filed a separate action against the plaintiff setting out the new facts for this new claim.

[30] It was the defendant's submission that the proposed amendments are based on new facts and new cause of action which if allowed would cause extensive prejudice to the plaintiff (*Smijaya Sdn Bhd dan lain-lain lwn Perwira Affin Bank Bhd* [2010] 3 MLJ 54).

THE COURT'S FINDINGS

[31] It is a guiding principle of cardinal importance on the issue of amendment that, generally speaking, all such amendments ought to be made for the purpose of determining the real question in controversy between parties to any proceedings or of correcting any defect or error in any proceedings so

long as it causes no injustice to the other parties (*Hock Hua Bank Bhd v Leong Yew Chin* [1987] 1 MLJ 230; [1987] 1 CLJ 126).

[32] An application for amendment should be allowed at any stage of the proceedings particularly before trial, even if the effect of the amendment would be to add or substitute a new cause of action, provided the new cause of action arises out of the same facts or substantially the same facts as a cause of action in respect of which relief has already been claimed in the original statement of claim (*Yamaha Motor Co Ltd v Yamaha Malaysia Sdn Bhd & Ors* [1983] 1 MLJ 213; [1983] 1 CLJ 191; [1983] CLJ Rep 428).

[33] It is pertinent to note that the trial of the present case has not started yet. The matters in the proposed amendments were the post events after the last amendment on the 8 August 2013 as in the amended statement of defence and amended counterclaim and all these proposed amendments were arising from the same facts of case.

[34] The proposed amendments concern primarily on the recent decision of the Court of Appeal dated 23 February 2016 which ordered for re-assessment of damages in Sibu High Court Originating Summons No 24–15 of 2009.

[35] The suit filed by Hock Peng Realty Sdn Bhd against the defendant in High Court Suit No 22–53 of 2009 (II) was originally for libel and abuse of court process but the Court of Appeal affirmed the High Court's decision made on 20 May 2016 in dismissing Hock Peng Realty Sdn Bhd's claim under the heading of defamation (libel) but allowing Hock Peng Realty Sdn Bhd's claim under the heading of abuse of the court's process with damages awarded against the defendant in the sum of RM53,123.28 (inclusive interest).

[36] On unmeritorious application filed by the plaintiff which was dismissed in Suit No MYY-22–15/17 of 2013, it arose from the judgment sum in Bintulu High Court Originating Summons No 24–47 of 2000 to be paid by Hock Peng Realty Sdn Bhd to the defendant. The defendant had exhibited 'TSC-6' of the defendant's affidavit in reply which is a letter dated 31 May 2016 concerning the statement from the advocates acting for Hock Peng Realty Sdn Bhd that Hock Peng Realty Sdn Bhd would not be liable to further interest chargeable against them since the Plaintiff had obtained the interim order to freeze the judgment sum of RM1,979,315.50 which the defendant was entitled to. Thus, the plaintiff could not be heard to say that his action in filing the application to stay is unrelated to the present counterclaim by the defendant.

A CONCLUSION

[37] I am of the view that all the above amendments are related and arose from the same cause of action ie that the defendant has incurred loss and expenses from instituting and defending his action in the abovementioned B cases due to the plaintiff's negligent advice. The material facts to be included in the proposed re-amended defence and re-amended counterclaim are necessary for the purpose of determining the real questions in controversy between the parties.

C [38] It is also my view that there is no injustice and prejudice caused to the plaintiff as he has the liberty to file a reply and defence to counterclaim upon being served with the defendant's re-amended defence and re-amended counterclaim.

D [39] Further, it is my view that there was no inordinate delay as claimed by the plaintiff because the matters sought to be amended was as a result of recent decision by the Court of Appeal.

E [40] It must also be noted that the trial of this action was dragged on due to endless application and thereafter appeal and leave application at the Court of Appeal and the Federal Court. The last appeal to the Court of Appeal was mounted by the defendant against my decision for dismissing the defendant's application to disqualify Mr Tai Choi Yu from acting and defending for himself F as plaintiff. The matter in the Court of Appeal was disposed off on the 13 July 2017 and in the Federal Court, it was disposed off on the 15 September 2017. Before this case is scheduled to take off for trial, another application was again filed which is this amendment application ie encl 293 dated 24 October 2017.

G [41] For all the foregoing reasons, the defendant's application is granted in terms of encl 293.

Defendant's application in terms of encl 293 granted.

H Reported by Fatin Mohd Ismail

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